

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Implementation of the Commercial) MB Docket No. 11-93
Advertisement Loudness Mitigation)
(CALM) Act)

Filed Electronically via ECFS - Attention: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, Cross Hill Communications, LLC (“Licensee”) certifies that Class A Television Station WVBK-CA, Facility ID 26996, Manchester and Londonderry, Vermont, and South Charlestown, New Hampshire, requires an extension of time to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”) and requests a waiver of the December 13, 2012 deadline for compliance.¹

¹ Licensee asserts that Class A television stations are not at this time subject to CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (the “Order”), which defines a subject “television broadcast station” as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition of “television broadcast station” in either the statute or the Order. Nevertheless, this waiver certification is filed by Licensee out of an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations through a proper notice and rulemaking. The Licensee does not intend this filing to in any way concede that its Class A station is subject to the CALM Act.

2. Pursuant to the streamlined waiver process set forth in the *Order*, Licensee requests waiver for WVBK-CA as “small broadcast station.”² Under the procedures adopted in the *Order*, a station seeking a waiver on this basis must certify to the Commission that it qualifies as a “small broadcast station” and that it requires a delay of one year to obtain specified equipment to avoid financial hardship.³

3. As set forth in the attached Certification of Gregory Uhrin, Chief Operating Officer, Licensee certifies that WVBK-CA satisfies the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts. Mr. Uhrin further certifies that, to avoid financial hardship, the Licensee requires a delay to obtain the equipment necessary for WVBK-CA to comply with the CALM Act requirements.

4. WVBK-CA is currently operating as an analog station and so is not immediately subject to CALM Act requirements. However, it is constructing digital facilities pursuant to construction permit BMPDVA-20120918ADU, granted November 29, 2012, and will become subject to the statute when the station begins digital operation. Licensee plans to construct new main studio facilities in connection with its digital upgrade. However, the new main studio will not be built until sometime after the digital transmitter goes into service. When the new main studio is built, it will include CALM-compliant equipment; so a waiver is needed for only the interim period between commencement of digital transmissions and completion of construction and the move to a new main studio. This situation is similar to the waiver granted to WPFO in

² *Order* at 17253-54.

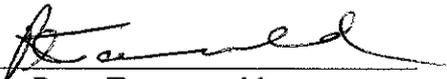
³ *Id.*

Implementation of the CALM Act, DA 12-2013 (MB rel. Dec. 11, 2012) and similarly deserves a grant.⁴

5. Accordingly, Licensee respectfully requests until the earlier of one-year or when its new main studios are constructed for WVBK-CA to comply with the CALM Act.

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Respectfully submitted:

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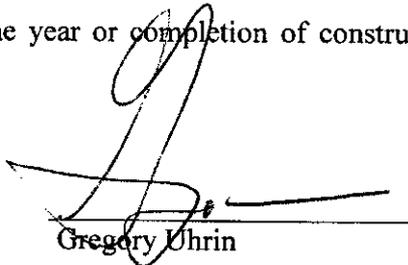
December 13, 2012

⁴ While Licensee does not have a firm date set for completion of construction of its new studios, as WPFO did, Licensee is also eligible for a small station presumptive waiver, which WPFO was not.

CERTIFICATION OF GREGORY UHRIN

Gregory Uhrin hereby certifies as follows:

1. I am Chief Operating Officer Cross Hill Communications, LLC (“Cross Hill”).
2. Cross Hill is the licensee of Class A television station WVBK-CA, Manchester and Londonderry, Vermont, and South Charlestown, New Hampshire.
3. Cross Hill has been the licensee of WVBK-CA since August 3, 2012. Its anticipated annual gross receipts August 3-December 31, 2012, projected over a 12- month period, will be far less than \$100,000.
4. Cross Hill is currently constructing digital transmission facilities for WVBK-CA and hopes to begin digital operation within the next few months. After digital operation starts, Cross Hill plans to construct new main studio facilities, which will incorporate CALM-compliant equipment.
5. Accordingly, Cross Hill hereby requests a one-year waiver of the December 13, 2012, compliance deadline for the time period between commencement of digital operation by WVBK-CA and the earlier of one year or completion of construction and completion of a move to a new main studio.


Gregory Uhrin

December 12, 2012